IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 6627 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE M.C.PATEL Sd/-

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order madeJJJJ : NO

JJJJJ

and order dated 27.6.1988 passed by the Urban Land Tribunal confirming the order dated 25.9.1984 made the Competent Authority under the provisions of the Urban Land (Ceiling & Regulations) Act,1976 (Annexure "C") declaring 2529.30 sq.mts. of the land belonging to the petitioner as surplus under Section 9 of the Act.

The petitioner's appeal to the Tribunal was dismissed but the order of the Tribunal shows that during the pendency of the proceedings before the Tribunal further proceedings were stayed. The present petition was moved for admission on 5.1.1989 and Ad-interim stay of the impugned order was granted pending admission. On 24.1.1989 notice was issued returnable on 13.2.1989 and the notice as to interim relief was made returnable on the same day. On 7.11.1990 Rule was issued and Ad-interim relief was confirmed. Thus, it is clear that after the final statement was issued by the Competent Authority under section 9 of the Act, further proceedings have remained stayed which means that no Notification vesting land under section 10(3) of the Act, has been issued and possession of the land has not been taken from the petitioner. In the circumstances, the proceedings under the Act abate in view of the provisions of Section 4 of the Urban Land (Ceiling and Regulations) Repeal Act,1989 and in view of the fact that proviso to said section is not applicable, since possession of the land has not been taken by the Government. The petition, therefore, does not survive and is disposed of accordingly. Liberty to the parties to revive the petition in case of difficulty. Rule discharged. No order as to costs.

--
m.m.bhatt